

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA )  
 )  
 v. )  
 )  
 HANA F. AL JADER )

Criminal No. 05-10085-RCL

**DEFENDANT'S MOTION FOR INDIVIDUAL  
VOIR DIRE CONDUCTED BY TRIAL COUNSEL**

Defendant Hana Al Jader hereby moves that the court conduct individual voir dire in chambers of every prospective juror and permit trial counsel to conduct the questioning. Ms. Al Jader requests individual voir dire in addition to requiring each juror to complete a written questionnaire. As grounds for this motion, Ms. Al Jader states as follows.

Ms. Al Jader is of Arab ethnicity, a citizen of Saudi Arabia, a practicing Muslim and an alien. Any one of these traits, standing alone, would raise the prospect of hidden juror bias and prejudice that the court's general practice of group judge-conducted voir dire would be ill-equipped to ferret out, no matter how conscientious the judge. These traits taken together and embodied by Ms. Al Jader increase exponentially the risk of seating a biased juror.

The President of the United States asserts at every conceivable opportunity that this country is at war against a global terrorist threat. Whether that perceived threat is Iraq, Iran, Afghanistan, Al Qaeda, Hezbollah, Hamas or the airplane bombing plotters recently arrested in Great Britain, President Bush's enemies have at least two qualities in common – they are Arab and Muslim, like Ms. Al Jader. Osama bin Laden, leader of Al

Qaeda and public enemy number one, is not only Arab and Muslim, he is from Saudi Arabia. So is Ms. Al Jader.

As this case heads to trial on September 5, 2006, the public's fears of Arabs, Muslims and Saudi Arabians are arguably at their highest level since September 11, 2001. Authorities in Great Britain arrested 21 Muslim men on August 10, 2006 and charged them with plotting to blow out of the sky up to ten US-bound aircraft. The media is widely reporting suspected ties between the group and Al Qaeda. *See* Boston Globe, August 18, 2006, "Report: British Police Probing Plot Find Bag Of Bomb Parts, Al Qaeda Leader Authorized Attack, Pakistani Says," (available at [http://www.boston.com/news/world/europe/articles/2006/08/18/report\\_british\\_police\\_probing\\_plot\\_find\\_bag\\_of\\_bomb\\_parts/](http://www.boston.com/news/world/europe/articles/2006/08/18/report_british_police_probing_plot_find_bag_of_bomb_parts/)).

This week, a US-bound airplane coming from Great Britain was diverted to Boston escorted by two fighter planes. The disruptive passenger is facing federal criminal charges in this court. The government has alleged in an affidavit in support of a criminal complaint that the passenger made veiled references to explosives and Al Qaeda, which the media, dutifully and incessantly, is reporting even though there is no indication that the passenger is a terrorist. *See United States v. Mayo*, Criminal No. 06-1671-TSH at ¶ 7k ("the Captain and Purser both thought she was referring to a bomb ... [and] both believed that she was referring to Al Qaeda"); Boston Herald, August 18, 2006 "Passenger's Lawyer Calls Her Crazy" ("[d]uring the terrifying flight, Mayo made veiled references to al-Qaeda, Pakistan, homemade bombs and the Sept. 11 terrorist attacks").

Presently, a fragile truce holds in the month-long clash between Hezbollah, a militant, Muslim, Arab group labeled terrorists by our President, and the state of Israel.

Iraqis die daily at the hands of Arab, Muslim militant insurgents labeled terrorists by our President. American soldiers continue to die at their hands.

Anti-alien sentiment is also rampant as Congressional elections loom later this year and politicians vie for toughest-on-alien status. The debate is emotionally charged and sizeable portions of the public have strong opinions on the presence of aliens generally and employers who employ them possibly at the cost of jobs for US citizens. Ms. Al Jader gets a double whammy – she is an alien and a person who employs aliens.

Ms. Al Jader understands that the court will require jurors to complete a written questionnaire and does not request that the court conduct individual voir dire *instead* of using a questionnaire. Ms. Al Jader anticipates that some, if not many, jurors can be excused based on their responses to the questionnaire. She requests that the court bring every other juror, one by one, into chambers for attorney-conducted voir dire. With so many emotional, volatile issues, that is the only way to be sure that the sitting jurors truly are unbiased and impartial.

HANA AL JADER  
By her attorneys,

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### **Certificate of Service**

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on August 18, 2006.

/s/ *E. Peter Parker*

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